

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

JOINT STATUS REPORT

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), on behalf of the State and the Asociación de Acéquias Norteñas de Rio Arriba, Gallina-Capulin Acequia Association, and El Rito Ditch Association, files this Joint Status Report on matters relating to the adjudication of priority dates as required by the Order (7472) entered June 15, 2004.

1. The State’s historian Dr. John Baxter completed his historical report for Section 5 of the Rio Chama Stream System (Rio Gallina) in 1998. The Gallina-Capulin Acequia Association submitted its preliminary historical report to the State for Section 5, prepared by Malcolm Ebright, on June 15, 2003. The State of New Mexico has not formally responded to the Acequia Association’s report to date. Counsel for the State and for the Gallina-Capulin Acequia Association (Mary E. Humphrey) plan to schedule a meeting during the week of August 9, 2004 to discuss the information in the two reports and their positions with respect to priority dates in Section 5.

2. The State’s historian completed historical reports for all of the subsections in Section

3 of the Rio Chama Stream System (Las Nutrias, Rio Cebolla and Canjilon Creek) in 1999 and 2000. The Asociación de Acéquias Norteñas de Rio Arriba reports that it has recently received a draft historical report for the Canjilon Creek subsection from its historian Malcolm Ebright. The report has not yet been provided to the State for its review.

3. The State's historian, Dr. Baxter, completed a historical report for the Tierra Amarilla subsection of Section 7 in December 2001, and shortly thereafter the report was made available to the Asociación de Acéquias Norteñas de Rio Arriba for review. Dr. Baxter has also completed draft reports for 3 of the 4 remaining subsections in Section 7: Rio Brazos, Rutheron-Plaza Blanca and Cañones Creek. These draft reports have not yet been finalized and provided to the Asociación de Acéquias Norteñas de Rio Arriba for review. Dr. Baxter anticipates that he will complete a draft report for the final subsection in Section 7 (Village of Chama) within the next few weeks. All of the State's reports for Section 7 are expected to be finalized and made available for review by the end of the year at the latest.

4. The State's historian has also completed a preliminary review of a report and historical materials received in December 2003 from José Damián Eturriaga in connection with certain defendants and subfiles in Tierra Amarilla in Section 7 of the Rio Chama Stream System. *See* Notice of Receipt of Historical Report filed December 19, 2003 (Docket 7363). As of the date of the filing of this status report, the State has not yet received and circulated Dr. Baxter's review and comments on Mr. Eturriaga's report. The State expects to receive and circulate that review prior to the Status Conference scheduled for August 24, 2004 pursuant to the Order (7511) entered July 12, 2004.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I hereby certify that copies of the above Joint Status Report were mailed to following persons on August 3, 2004.

/s/ Ed Newville
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